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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/041,860 | 01/07/2002 | Jose R. F. Corvalan | ABGENIX.051A | 5403 |
| 20995 | 7590 | 11/04/2003 | EXAMINER | |
| KNOBBE MARTENS OLSON & BEAR LLP | | | HUYNH, PHUONG N | |
| 2040 MAIN STREET | | | ART UNIT | |
| FOURTEENTH FLOOR | | | PAPER NUMBER | |
| IRVINE, CA 92614 | | | 1644 | |

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/041,860 | CORVALAN ET AL. | |
| | Examiner | Art Unit | |
| | Phuong Huynh | 1644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE One MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- I. The location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1644, Group 1640, Technology Center 1600.
- II. Claims 1-21 are pending.

Election/Restrictions

- III. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 1. Claims 1-3, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 13 and the light chain amino acid sequence comprises SEQ ID NO: 14, classified in class 530, subclass 388.15.
 2. Claims 1-2 and 4, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 15 and the light chain amino acid sequence comprises SEQ ID NO: 16, classified in class 530, subclass 388.15.
 3. Claims 1-2 and 5, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 17 and the light chain amino acid sequence comprises SEQ ID NO: 18, classified in class 530, subclass 388.15.
 4. Claims 1-2 and 6, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 19 and the light chain amino acid sequence comprises SEQ ID NO: 20, classified in class 530, subclass 388.15.
 5. Claims 1-2 and 7, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 21 and the light chain amino acid sequence comprises SEQ ID NO: 22, classified in class 530, subclass 388.15.

6. Claims 1-2 and 8, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 23 and the light chain amino acid sequence comprises SEQ ID NO: 24, classified in class 530, subclass 388.15.
7. Claims 1-2 and 9, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 25 and the light chain amino acid sequence comprises SEQ ID NO: 26, classified in class 530, subclass 388.15.
8. Claims 1-2 and 10, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 27 and the light chain amino acid sequence comprises SEQ ID NO: 28, classified in class 530, subclass 388.15.
9. Claims 1-2 and 11, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 29 and the light chain amino acid sequence comprises SEQ ID NO: 30, classified in class 530, subclass 388.15.
10. Claims 1-2 and 12, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 31 and the light chain amino acid sequence comprises SEQ ID NO: 32, classified in class 530, subclass 388.15.
11. Claims 1-2 and 13, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 33 and the light chain amino acid sequence comprises SEQ ID NO: 34, classified in class 530, subclass 388.15.
12. Claims 1-2 and 14, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 35 and the light chain amino acid sequence comprises SEQ ID NO: 36, classified in class 530, subclass 388.15.
13. Claims 1-2 and 16, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 38 and the light chain amino acid sequence comprises SEQ ID NO: 39, classified in class 530, subclass 388.15.

14. Claims 1-2 and 17, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 40 and the light chain amino acid sequence comprises SEQ ID NO: 41, classified in class 530, subclass 388.15.
15. Claims 1-2 and 18, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 42 and the light chain amino acid sequence comprises SEQ ID NO: 43, classified in class 530, subclass 388.15.
16. Claims 1-2 and 19, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 44 and the light chain amino acid sequence comprises SEQ ID NO: 45, classified in class 530, subclass 388.15.
17. Claims 1-2 and 20, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 46 and the light chain amino acid sequence comprises SEQ ID NO: 47, classified in class 530, subclass 388.15.
18. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 14, classified in class 530, subclass 388.15.
19. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 16, classified in class 530, subclass 388.15.
20. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 18, classified in class 530, subclass 388.15.
21. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 20, classified in class 530, subclass 388.15.

22. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 22, classified in class 530, subclass 388.15.
23. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 24, classified in class 530, subclass 388.15.
24. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 26, classified in class 530, subclass 388.15.
25. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 28, classified in class 530, subclass 388.15.
26. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 30, classified in class 530, subclass 388.15.
27. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 32, classified in class 530, subclass 388.15.
28. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 34, classified in class 530, subclass 388.15.
29. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 36, classified in class 530, subclass 388.15.

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30. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 39, classified in class 530, subclass 388.15.
31. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 41, classified in class 530, subclass 388.15.
32. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 43, classified in class 530, subclass 388.15.
33. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 47, classified in class 530, subclass 388.15.
34. Claims 1-2 and 15, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 37 and the light chain amino acid sequence comprises SEQ ID NO: 49, classified in class 530, subclass 388.15.
35. Claims 1-2 and 21, drawn to a human monoclonal antibody wherein the heavy chain amino acid sequence comprises SEQ ID NO: 48 and the light chain amino acid sequence comprises SEQ ID NO: 49, classified in class 530, subclass 388.15.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Groups 1-35 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different products as claimed differ with respect to their structure, and binding specificity. Therefore, they are patentably distinct.

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- IV. Because these inventions are distinct for the reasons given above and/or have recognized divergent subject matter. Further, even though in some cases the classification is shared, a different field of search would be required based upon the structurally distinct products recited. Therefore restriction for examination purposes as indicated is proper. Further, a prior art search also requires a literature search. It is an undue burden for the examiner to search more than one invention.
- V. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.
- VII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (703) 308-4844. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.
- VII. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Phuong N. Huynh, Ph.D.

Patent Examiner

Technology Center 1600

November 3, 2003


CHRISTINA CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600